A FULL REPORT

OF THE

VENNING vs. HUNTER

TRIAL,

AT THE

CIRCUIT COURT, ST. JOHN,

Before his Honor Justice Ritchie,

MARCH, 1863.

AS REPORTED FOR THE "MORNING TELEGRAPH."

SAINT JOHN, N. B.,
PRINTED BY GEORGE W. DAY, No. 4, MARKET STREET.
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VENNING vs. HUNTER.

The circumstances which led to this action are all well known to our readers, and it will only be necessary for us to state that it is brought by Mr. W. N. Venning against Mr. Robert Hunter to recover for the expenses attending the maintenance of Mrs. Hunter, his daughter, during the time of her residence with him, after separating from her husband. Hon. J. H. Gray and A. R. Wetmore, Esq., appeared for Mr Venning, and S. R. Thompson, Esq., for Mr. Hunter.

Mr. Wetmore in opening the case for the Plaintiff made a very few remarks, stating, in substance, that he would be able to prove to the jury that Mrs. Hunter had received such treatment at the hands of her husband as rendered it impossible for her to remain in his house and accordingly she had left, and having done so she had a legal right to enter into engagements for her maintenance for which her husband would be responsible. He then called Mrs. Hunter as the first witness. She was examined by Mr. Gray.

MRS. JULIA HUNTER'S EVIDENCE.

Mrs. Julia Hunter was duly sworn, and stated as follows:—I am the daughter of the Plaintiff and always lived with him previous to my marriage. I am the wife of Robert Hunter. Was married to him in Sept. 1860. Previous to our marriage, Hunter said he wished me to go to live with his mother and sisters after our marriage, and I objected, as he said nothing about it at the time of our engagement. After our marriage we were absent from Saint John for a while. We visited a portion of the United States and Canada. On board of the boat, on our way from Toronto to Montreal—about a week after our marriage—a difficulty occurred between Mr. Hunter and myself. I asked him if he would come to the side of the boat, I would like to see the rays of light reflected on the water, from the paddle wheels. He replied that it was very silly and childish of me, one part of the boat was as good as the other, I was a married woman now and must give up this childishness and nonsense. I replied, that I thought it was a simple request and he might grant it. My husband appeared very much annoyed and I said no more. Some time after I felt cold and chilly and asked him if he would be kind enough to bring my shawl from the State Room. He went for it, and when he returned he said he would like to have a little conversation with me. He said that I appeared annoyed at what he had said, and he wished me to understand that he was always in the habit of speaking his mind before his mother and sisters and they didn't get annoyed, and he intended to do so now to me. He said if I get annoyed I might get pleased again the best way I could; and when I was silly and childish—as now—he intended to tell me of it. I replied I was not silly, many persons older than myself were pleased with the appearance of the water, &c. I thought it unkind in him not to comply with my request. He remarked that if he had treated me unkindly it would be a different thing. Nothing more occurred until our return to St. John. We went to reside with Mr. Hunter's mother and sisters, at his house adjoining the Institute. The sisters are named Mary and Isabella. Mary is very old. I do not know Bell's age, should judge she was four or five years older than myself. Had not been there long before I found it was no home for me. Instead of having only my husband to please, I had his mother and sisters to please, and they found fault with everything. I informed my husband of this difficulty. My husband was present at the first difficulty. Miss Hunter found fault with my dress and told me none but bad characters wore such things—she referred to a mantle I wore,—I had been out walking and called at the store and returned home with my husband. I replied that I was not afraid of that, I liked the dress and should wear it. Afterwards, when in my room, my husband said he was surprised at my answer to his family, his sister had excellent taste about dress, and I should consult her, in future, about my dress. I looked after the house affairs, and the family constantly found fault in presence of my husband and at other times, and then he would find fault with me. There was a continual bickering caused by the interference of his family. My husband then requested me to let his mother give directions about dinner, as it would be amusement for her, and I consented but felt hurt; he said he was surprised at my neglect; I told him they might do as they liked, they found fault and I could not please them. Previous to this I was invited to [illegible] Sancton's, with my sister. I asked my husband to come after me, but did not ask him to come to tea. I did not ask him to come to tea because, on a previous occasion, he told me he had his business to attend to, and had no time to go out to tea. I went to

Mrs. Sancton's, and told her he would not come to tea. He called for me in the evening and appeared annoyed. He expressed his surprise at my not telling him to come to tea. He said he supposed I wanted to meet some person that I cared more for than I did for him—without his knowledge, I had no business to think he could not come. This took place on our way home. I replied—Robert, you know better. He said he knew that was what I went for. I told him if he had told me in the morning that he did not want me to go I would have stayed home. He said he did not know anything of it until he went home. His sister Mary met him at the door and asked him if he was not out to tea, and he told her I had only asked him to call in the evening. Mary told him I had a great deal of impudence, and if they did not consider him good enough to invite, they should not invite his wife, and I was a beautiful woman to go. It was in consequence of what Mary told him that he was angry. He told me I should not receive any invitations in future; that he would receive or reject them. A few days after this he told me I must look after the house in every department, or I might clear off. I was in want of some money and went to the store and asked him for it. He replied that I could not get money from him unless I looked after the house, etc. I could not look after the meals because of interference. He then gave me two dollars, and stated that he did not want any unnecessary extravagance; he gave me two pounds previous to this—at Christmas time.—I told him I was not extravagant, and he replied that he did not intend I should be. At one time he told me I should not get 7 pence worth without consulting him. I was very unhappy and my husband was very morose. I again took charge of the house, and what work the servant did not do I did myself. In February my sister wanted me to visit my mother, and I did not know what to do; I could not accept *any* invitation without Hunter's permission; I asked him if he would go, he said he would not; I asked him would he come after me in the evening and he answered no. I said I had not seen my mother for three weeks, and I thought it hard he would not go with me. Next day I asked him would he go to mother's if she would wait tea till half-past seven o'clock; he said he would never go, &c. I went to my mother's and directed the servant to have my husband's tea ready. It stormed and I came home early. When my husband returned from the store he appeared cross. When we went to our room he expressed surprise at my going away without telling his mother and sisters, and commanded me never to do so again, and never to dictate to his family what they should have for tea, &c., and when I was out they should give their own directions. Some days after he said, "you told me a lie the other day, you told me you were at your mother's, and you were not;" I replied, I told no untruth. He said his sister Isabella told him so: I told him it must be a misunderstanding on the part of his sister; I told him his family caused all our trouble, and wished him to take me to a home of our own as he had promised, so we could have some hope of happiness. He replied that I would like that so that my gang—referring to my father's family—could run him down; never while his head was above water would he do that; I told him my family had plenty at home; said he "your mother is the greatest gadder in the city;" he would let me know this was my home, and he would make me behave. I told him I could not live this way any longer, and if he did not do as he promised, I would be forced to leave him and go to my father; he said I might go as soon as I pleased, he would not be separated from his family to please me. I urged him to take a home by ourselves—if it were ever so humble—I would be content; he said he would not, and he would treat me according as I treated his mother. I must consult his mother as to when and where I was going; I must not invite even my own sister to visit me without consulting his family.—My husband always appeared morose ,although I tried to win him back by kindness.

One day I was sitting on his knee when his mother came in and said, "Julia, you are quite too heavy for Robert to nurse; it was holding you that made his nose bleed the other day. He is my favorite son, and I would not have anything hurt him for the world." When Mrs. Hunter left the room, I asked him if I was too heavy; he said his mother said it made his nose bleed, and it might have. That same evening Isabella sat on his knee for a long time and I am sure she is a great deal heavier than I am; I do not know whether Isabella's sitting on his knee made his nose bleed, or not. This same evening when my husband was going out from tea, I followed him and kissed him; his mother told me I ought to be ashamed. All endeavors on my part to create affection were interfered with. About four months after our marriage he was nursing and petting his sister's little lap dog, and I said—Robert, you will have something better to nurse some of these days; he said if I was like some others, to get over my confinement in a week or two, he would not mind, but if I was always going to be sick and the young one cross and troublesome, he would rather not have any. I was confined in July, this conversation took place in February; I was in very poor health, my condition and the treatment I received caused it. One day I felt very poorly, I followed my husband out and told him how sick I was; he answered crossly, and said I made a great fuss to what other women, who had to go out washing, did. I could not occupy my own room in private, some of the family were always around. He told me my betters would be glad to come to the home I had, and mercy knows I did not bring much to it; I asked him if that was why he treated me so, did he not know I had no fortune to bring him when he married me? he said he know we were a poor, beggarly set, but he did expect more than he got, the truth was, I was too snug and comfortable, and that was what made me so impudent During all that night he talked in this way; once I laid my hand on him and said, "Robert, do not talk so loud, your sister Mary will hear you; he

said, "You little devil, don't you touch me or I will pitch you out of the bed"; I passed a miserable, unhappy night; I was so wretched that I was almost tempted to go and drown myself; I hoped I would die; I said to my husband that not many months ago I left a comfortable home, a young and happy girl, I now sought that home again a miserable, heart-broken woman. When it was scarce light I got up to go to my father's; I had slept none that night; I told my husband I did not leave him in haste or anger, but I could not submit to his treatment any longer, I then bid him good bye; he showed no signs of relenting or kindness, but left the room. I then started for my father's. This was the second week in February, about 6 o'clock, A. M.; it had been storming, and I was so weak that I had to sit down and rest once or twice before I reached home. My father lives opposite Reed's garden, on the road to Lilly Lake; the snow was not packed and was very deep; I was completely exhausted; my health was very poor; I was looking forward to my confinement.

I had been home about a week when my husband came to see me; I met him alone and met him kindly; I asked him why we had been so unhappy, and why had he treated me so. He replied that he now saw wherein he was wrong; he had allowed his family to influence him; he had often left his place of business with kind feelings for me, but when he got home he would hear things to sour his mind against me, and cause him to treat me unkindly; if I would return home with him he would not allow it to occur again; Mary was going home to Ireland, and in all probability would not return; he would be willing to support her there; in the spring he would make alterations in the house and have the family divided, and until that time I might have a fire in my room and spend most of my time there. I said—Robert, I can trust you, but I fear your family. He said he knew the family had done wrong, and he had talked to them very severely about it; if I would go back he would never listen to them again, or allow them to interfere; no matter what occurred he would protect me. He wanted me to go to the Institute that night, but my health was such I could not; he said he wished me to go to the Institute because the affair had become public and everybody was talking about it, and if I appeared with him at the Institute it would stop the talk. I agreed to return home with him, and he was to call at 5 o'clock; I wished him to see my mother, but he would not; when he called for me that evening I was too sick to go home with him; the only reason I did not go home with him was my illness; if I had been able I would have gone.

Mr. Gray here read the following letter written by Mr. to Mrs. Hunter the morning after he had been to see her:

[COPY] SATURDAY, 23d Feb., 1861.

MY DEAR WIFE,—

I called to see you yesterday forenoon, and previous to my leaving you you were quite reconciled to coming home, and we had arranged that I should go up with a coach for you at 5 o'clock, and that you should return with me; also, that we would attend the lecture at the Institute same evening, according to which arrangement I took a coach up for you at the time appointed, but in the meantime your parents advised and persuaded you not to come; and when I went up, and in my presence, such was their advice, and therefore I had to return without you. I now, my dear Julia, drop you a few lines to say that I will send up a coach for you at twelve o'clock to-day—perhaps accompanied by a friend—and should you not return home in it, I shall then take advice from Messrs. Bayard & Thompson as to the legal course of procedure, and go up in the evening—not as yesterday, for the purpose of praying and beseeching you to come home with me, *but to bring you* home. Your parents have no control over you, of which they are aware; they may therefore be led to feel and to understand the impropriety of their proceedings in counselling their daughter—my wife—not to return to her husband, although herself willing to do so. I trust you will all see the folly of any further obstinacy, and the propriety and wisdom of your coming home this morning. It will doubtless be necessary, if for no other reason than on account of the happiness of my dear aged parent, that we should reside separately, although to her and myself the sacrifice would be great, and one the opposite of which I had always resolved on—having determined and resolved never to part with my dear mother until death separated us, who has had already many severe trials, but feels the present one more keenly than all the others, seeing as she does the distress of me, her son. Any change of that kind, however, could not be made before spring. Whether such a change thus forced into would add greatly to the happiness of my wife and her family, time alone can reveal. I will be at the house on the return of the coach to receive you.

Your husband,

ROBERT HUNTER.

Mrs. Hunter continued: I did go home the next day; I went in consequence of my husband's promises, believing that he would love me and we would yet be happy; I asked him not to be angry with me when I go to see my mother. I said you know Robert, that my mother is as dear to me as yours is to you; I have given up all my young friends, but I must go to see my mother; he would not reply, but said—"Will you take off your things?" I pressed him for an answer, and he told me that if my taking off my things depended on his answer I might sit there as long as I liked, and he would let me know that if it had not been for my "situation" he would never have asked me to come back; he did not want *his* child born out of his house. I still hoped things would be better, and determined to remain, but they continued getting worse and worse. One Sabbath evening in March, my husband accused me of not looking after things properly, saying that the lower hall was dirty; when my mother kept house things were better, but now nothing is looked after; I said I did look after the

house; he said "it is a lie, you do nothing but keep yourself up in your own room;" I said I went to the kitchen every morning, and the morning before, being Saturday, I was busily engaged there from breakfast to dinner; that I had seen to everything necessary, but if the servant had neglected to clean the hall properly, I couldn't help it; he said that the servant would neglect many things if not watched; we were now in our own room; he said when his mother kept house things were never neglected; I said, Robert it is not very pleasant to be found fault with for not doing things like your mother. I was willing that his mother should take charge of the house and conduct things as she pleased; he said, I dare say you would like that, so you would have nothing to do but stick yourself up in your own room, and suck your fingers all day; he would let me know I was to look after the house, and do things properly, and he would speak of his mother's house keeping as often as he pleased; whether I liked it or not, it made no difference to him; I said, Robert did you not promise if I came back that things would be better; he said I could clear as soon as I pleased; that he did not want me then; I said, why did you ask me back if you did not want me; he said you are an "infernal little devil," and you can clear again as soon as you please; he would never trouble to bring me back; he told me I was a little curse and a little bitch; he said that Mrs. Charles Patten told him before we were married, that I was a little fiend, and he would never be able to live with me; I told him that Mrs. Patten never told him that; he said, don't you talk to me or I'll throw these boots at your head; he talked this way some time, and was in a rage; I sat up as long as I could; he went to bed; I was afraid to go to bed with him, there was no other bed for me, so I laid on the floor all night. I got cold from lying on the floor; I was crying, and he told me to "hold my noise," as a man who had his business to attend to could not be kept awake all night with my crying. That morning he did not speak to me, nor did he for some days. I had a fire in my room, and he came up and told me there was no necessity for it; that I should sit in the room with his mother and sisters; that he would let me know that if I considered myself better than his mother and sisters, that he did not. I said it is not that, I would rather sit alone when you are away; he said no, I was to sit with his mother; I told him I could sit with them when he was home, but I was happier in my own room when he was away; he said if he heard me ringing for the servant again, he would tear the bell rope down; I said I never rang for the servant except to bring fuel, if she forgot that, surely I might ring; he said no, I should carry my own coal up stairs, and make my own fire; the servant should not wait on me; he said the servant had said to him that he might get a negro to wait on me—she would not. I said, Robert, did the servant say that to you: he said no but he had heard it. I then reminded him of the promises he had made, that he would not listen to his family, nor allow them to interfere; he said he did promise, but this occurred when he was at business, and he had a right to know, and he intended to listen to all they might say.

The last of March and April I said to him, Robert wont you do as you promised and have the house furnished that we might live separate; he said no, he never intended to do so. I said, Robert you promised you would; he said he did say so, but he meant if his mother and sisters wished—they did not wish it and he would not separate his family for me. I said, do take me to a home before I am ill; he said he guessed there was room enough for me to be ill without having more finished. After that my husband was continually fault-finding and scolding; my health was every day failing, getting weaker and more nervous. When I heard my husband's step I trembled so I could not calm myself for some time; owing to this anxiety and trouble I was taken ill; my husband's family paid no attention to me; this was in April; I was afraid of premature confinement. I said to my husband, one morning, that I felt very poorly, he replied, "its lately come upon you, you were well enough last evening". I was ill in the night, I told him so at the time; he took no notice of me for half an hour or so; I said, Robert I can't suffer so, do bring me something, he said he did not know what to get, I told him some brandy might help me, he got it and it eased me a little for the time. When he left in the morning, about 6 o'clock, I was still very poorly, I was alone then; when he came home to breakfast he did not come to my room, I was not able to get up; after breakfast, when ready to leave the house, he came up to my room with his hat and coat on; no person but the servant came to see me previous to this; my husband came in, went to the wardrobe, took something out and was about to leave the room without speaking, I said, Robert I feel very ill. I was not able to leave my room; I had always been in the habit of going down stairs to meet my husband, but was not able at this time—he left the room without reply. I waited till nearly 11 o'clock and nobody came to see me; I took it for granted my husband would send some one; with great difficulty I rang the bell and the servant answered, I told her to go and tell Mrs. Sancton I was ill, Mrs. Sancton came right away; I told her how ill I was, and asked what I had better do—I think I must have fainted, when I came to I saw Mrs. Hunter and daughters in the room; Mrs. Sancton said I ought to have a doctor; I said I would like to have Dr. Botsford—no doctor was sent for at that time. I remained in this state; my husband was sent for and came—he remained about half an hour with the family before he came to my room; I said, Robert I feel very ill; he said I suppose you have made yourself sick running about town talking about me. I never talked about my husband, and told him so; he said I had. I said I would like to see Dr. Botsford; he seemed very angry, and said Dr. B. should never enter his doors, I said it was hard as Dr. B. had been our family doctor; he replied that Dr. B. had done all he could to crush his brother, when alive, and he should never darken his doors—I might have

Dr. Sinclair. I objected to him, as he was an unmarried man; my husband said that was all nonsense; I said I would rather suffer anything than have a young unmarried man; he remained in the room and was sullen and cross; I was too ill to talk much; he then left the room, and went to business after dinner without seeing me again. My sister came to me about 3 o'clock. I was suffering all this time. She wanted to go for Dr. B. but I was afraid my husband would be angry. The servant came up in the evening to know if I would have some tea. I then heard he was home and then sent for him. I took no food during the day. My husband came up stairs. I said, Robert I am very sick, won't you go for a Dr. He replied, if you are so stubborn and will have no one but Dr. B., I'll go for him. He came back shortly, and said Dr. B, declined coming, being previously engaged. I then said I care not who you go for as long as he is an elderly person and married.—He named Dr. Livingstone, and went for him. Dr. L. came about 8 p. m. Before the Dr. my husband was kind and attentive; he generally showed the Dr. out and would not return. I often suffered for attendance when there was no one to give me assistance. Had it not been for Mrs. Sancton I don't know what I would have done. Mrs. S. came in the morning earlier than my sister could get over. I was in bed three or four days, but was quite ill for a fortnight. My sister attended me as much as possible. When my sister or Mrs. Sancton was not there I was alone. One morning the Dr. ordered beef tea, and said I must have it immediately, as I required sustenance. I told the servant about 10 a. m., but got not even a drink till 4 p. m. The Dr. told me to keep perfectly quiet. My husband saw me at dinner time; I told him I had given directions for beef tea, but he said nothing. The Dr. was to see me at 7 p. m.; my husband was in then. He showed the Dr. out and did not return till time for retiring. I asked him what kept him away; he said that his sister Mary was sick and he had been to see her. Mary recovered from her illness. During my illness my brother Albert and his wife came to see me, on the Sabbath, and my husband immediately left the room. After they had gone he returned and was very angry. He said if he caught my brother and his great lump of a wife in his house again he would kick them down stairs. When I got able I resumed direction of the house, which had been neglected. I was never well afterwards, until after my confinement. One Sabbath in May, coming from Church with my husband, I said, Robert I would like to go to Zion's Church this afternoon, Mr. Daniels is going to re-open it, will you go? He replied he would not. I tried to urge him; he said I might go alone, he would not stir a step. After dinner he went out with his sisters, but did not tell me where he was going or ask me to go. I felt lonely and sad and went to church and met father and mother there. From Zion's church I went to my brother's on Queen's Square; in the evening I went to the church where my husband attends; he was at church; I noticed from his manner that he was displeased; after church I told him where I had been, and that Albert was sick; on our way home from church he was angry and would not reply to me, at home he was cross, all the next day he would not speak to me, but addressed his conversation to his mother and sisters without noticing me. His family were always pleased when I was unhappy. Tuesday morning—he had not spoken to me since Sunday, although I tried to talk with him—I went out in the hall and told him I would like to speak to him; we went into the front parlor, and I asked him why he treated me so; he replied he intended to treat me so, and worse, until I learned to behave. I asked what had I done to deserve such treatment; he replied, you went off to your mother's on Saturday, and Zion's church on Sunday, and off again yesterday, and I did not know where you were; I told him if he had spoken to me I would have told him I was down to see my brother's wife, who was very ill; he did not notice me; he was always cross when I went to see my mother; I told him he might treat me unkindly, but I must go to see my mother; said he, "You infernal little devil, will you dare go to see any one without telling me first, you shall ask me when and where you go, or I'll kick you out, I will beat you every day of your life if you stay here". He then came to me, took me by the chin, and shook me, the marks were on my face all the afternoon; I told him that gentlemen did not treat ladies in that way; he said, "Lady, indeed,—you infernal little devil, I will kick you out of the house"; he then left the house. At dinner time I thought I would try to meet my husband as though nothing had occurred; he would not talk with me at the table. He told his mother that Mr. Steen would be up to take off the double windows. After dinner I went up stairs to arrange my toilet, and he came up and went to his sister's room, afterwards he came to mine; I told him if Mr. Steen came up I would like something done in the kitchen for the servant; he said,—would you? I want some conversation with you, that is—for you to pack up your duds as soon as you can, I am going to send a coach for you and start you off to your father, I'll have no woman eating at my expense and tell me she will do as she likes. I told him I would not go now, I went once and he asked me back and promised to treat me better, and now I meant to stay; he got very angry then, and said, "You infernal little devil, will you dare to tell me you will not go? I will murder you if you stay here"; he then came towards me, shook his fist in my face, said he would tie me neck and heels, pitch me into a coach and compel me to go. I was frightened of him. Then he came across the room and said he might have known what he would get when he married in such a gang, you are the lowest gang and trash in the city. I said, low as we are it would be a sad day for him if he struck a Venning; he repeated, "a Venning—you infernal little bitch, I will beat you every day you stay here"; he went down stairs very angry, and left the door open; going down stairs he kept repeating these harsh names; some

of the family heard him; his mother said, "Robert, dear, what is the matter?" He said, "that infernal little devil up stairs would not go away." I was so alarmed I locked the door, but was afraid locking it would enrage him more, so I unlocked it again; some time after he left the house; the night before he did not come to his room at all; next day, at the table, I asked Mrs. Hunter if I should help her to some pudding she said she could not eat while poor, dear Robert was in trouble; she said I had a kind husband in poor, dear Robert. After his mother left he said it was worrying his poor mother. I asked him whose fault it was; he replied, it is you, you devil, running around talking about me; I said, you accused me of that several times before, I now ask you to bring any *one* person who will say it before me; he said, you infernal little devil, I could bring a hundred; I said, I ask for only one; he said he would as lieve live in hell as with such a woman as I, why did I not clear off, as he told me; I said I did not intend to go; he replied I might stick myself there, but I wont acknowledge you as my wife any longer—you're a usurper and intruder; with this he left the room and went to his mother and sisters; after this time he occupied another room at night. From the Tuesday on which he shook me till the following Monday, except to call me names and order me out of the house, he did not speak to me. On Saturday morning I told him we required some things for the house, would he send the boy, or if too busy I would go myself; he replied, why don't you clear off; why do you stick yourself here. On Monday morning I went to the breakfast room; my husband was there; I said "good morning Mr. Hunter;" he made no answer; I said, "how do you do this morning?" he still made no answer; I said, "how did you pass the night?" no answer; I then said, "were you on the street all night?" he said, "you little devil, you know I am not in the habit of passing my nights on the street; but one thing I will tell you, I did not pass it with a vile, treacherous, woman like you;" I said I did not know but he did; he said, "you infernal little devil, you've no right to question me;" I told him I was not afraid of him, and he then rushed across the room and struck me across the face, and then ordered me out of the house; he struck me very hard and hurt me dreadfully; my nose was swollen, and I was dizzy; I told him he was a mean man to strike a woman; I then got behind a chair, and was afraid he would strike me again; I told him he was no man, only the *ninth* part of a man—a tailor, and I would not put up with such treatment; I would apply to a magistrate for protection; He said, now he would get rid of me—now he would clear me out; he went and ordered a servant to bring breakfast, and I went to my room; I put on my things, came down stairs, saw nobody, and left the house; I intended to walk home, but was so nervous and frightened that I was not able: I went to my father's place of business: my father was not in; brother Albert came in and asked me what was the mark on my face; my face was paining me; my brother got a coach; I wanted to go home, but my brother said I was too weak, and sent me to his own house, where I lay on the sofa, and had some tea; about 11 or 12 o'clock the coach came, and I went to my father's house; I could not walk home; I was very sick for a week after; this was just eight weeks before my confinement; the Dr came to see me, and in consequence of his orders, I kept perfectly still. I think if I had remained any longer with my husband, I would have lost either my senses or my life. I never would have left him, but I was afraid of my life; I remained at my father's from this time, the 13th May, 1861; my infant was born July 10th; I had a portion of dress for my child previous to leaving my husband; I got it at Hegan's on my husband's order; all other things were furnished by my father; I have remained ever since with my father. The child is a nice one; Mr. Hunter has never come to see it: he may have seen it in Court while he was at Fredericton. A mark was very distinctly seen on the child's face at its birth, and remained for some months; the mark corresponded with the blow I received from my husband. I am not near as strong as I used to be. When married I was in my 22d year, and was always healthy: since that time I have been sickly; I am getting better now

CROSS-EXAMINED BY S. R. THOMSON, ESQ.

I may have mentioned many things that I did not in Fredericton. I did intend to speak of all my husband's ill-conduct. I think I have given word for word all that I then stated, and I have added circumstances that at that time escaped my memory, which I then intended to have spoken of. Mr. Thomson objected and prevented me from stating many things in Fredericton, which I wished to state. I afterwards regretted my omissions. I saw where I had done wrong in not explaining what I then meant to, and I wished to make them clear in this Court. I did not like the judgment on the divorce case; I did not swear I heard Hunter tell his mother that the "little devil" would not leave the house. I forgot it. I forgot to tell of my husband threatening to throw his boots at me. I did not write down any circumstances, I merely made a minute of things I forgot to mention in Fredericton; I did not bring that memorandum to Court; My father knew nothing of it; he never requested me to do it; he told me not to forget to tell all, and not to neglect as I did in Fredericton. I did not mention insults I received from my husband's family, because they were objected to. There are many things which occurred between my husband and myself that I have not mentioned, and which made me unhappy. I do remember of my husband wearing his boots up to our bedroom. On Sunday he wore different boots from week days. I have often helped my husband to take off his boots in our room; whatever quarrels I have told. I have given the facts to the best of my memory. In our first quarrel on the boat going to Montreal, I did not tell my

husband I would quit him; I may have told him that if he treated me unkindly, he would not do so a second time, but I did not intend to leave him; it was not intended for a threat. My father did not advise me to enter the divorce suit; my father paid the expenses at my request, I have the bills of the amounts paid. Mr. Street told me Mr. Hunter would have to pay expenses, I have no money of my own, I had to borrow it; I asked my husband for money in April, and he refused to give it to me; I was afraid at one time to ask him. I think in December, I asked for money, he made no reply, he afterwards gave it to me. I borrowed money at one time from my sister, rather than ask it from him; I do not remember when he actually refused, but I have asked without getting any; I would rather go without money than ask for it; I knew my husband lived with his family, but did not know they were dependent on him until six weeks before our marriage. I did object to living with his family. The engagement was never broken off, I wish it had been. He said he would like me to live with his family, I was surprised and objected. I objected to go as a boarder. He promised if I was not happy with them, he would take me to a home of my own; he never told me that he would not marry me unless I lived with his family. I do not remember of visiting anywhere, except to Mrs. Sancton's or my mothers, unless he accompanied me. I never told my husband I would go out when I liked without consulting him or his family. I did not shake my husband the night he threatened to kick me out of bed. When I left next morning he did not warn me against the step of a wife leaving her husband, I think my husband told me, when going out, that I would regret it and come back before night. My father said he could not prevent me from going with Hunter, he was my husband, but he thought I ought not to return; as long as he had a loaf of bread, I was welcome to it. My husband stated that Mr. Ewing of Boston told him that every person in town was down on him in consequence of what I had told. I told him that I had never spoken to Mr. Ewing. I did not know of my husband's going with loose characters. He never drank to excess. I have heard other steps in his bedroom after he had retired, I also heard them go out afterwards. I did not believe my husband had passed the night in the street, I was irritated; I never stamped my foot at my husband; I never called him a devil. In Fredericton I was not asked if the child was marked; I did not send word to my husband of the birth of my child, but requested Dr. Livingstone to do so. The doctor advised me not to send word, but let him make inquiries first; my child was baptized by a methodist minister; my husband did not see it or make inquiries after it; he did write me a letter previous to my confinement, desiring an interview; I did not tell any one why I did not grant an interview; I gave the letter I received to Mr. Wetmore. Mr Hunter wrote to me again; I think there were three letters from him in all. After I left him, I got nothing at the shops on my husband's account, except such as he allowed me to get for our child; I did get sundries at McArthur's for the child and myself, and child's waists at Lawton's and laces at Magee's. I sent to McArthur's for paregoric, and he informed me that my husband had forbid his furnishing me with anything. As I hope to meet my Father in Heaven, I believe the ill-usage of my husband caused my ill health while living with him.

Re-examined:—It was in consequence of objections by opposing Counsel that I did not go into all the particulars in Fredericton. My husband gave me two dollars and told me not to be extravagant. This money was to purchase a head dress to accompany him to a party. He gave me eight dollars for a Christmas present; he gave me five dollars for a spring's fit-out. This is all the money I remember getting from him, and each time he charged me not to be extravagant.

MRS. EDWARD SANCTON'S EVIDENCE:—I was not acquainted with Mrs. Hunter previous to her marriage; I remember her being sick; I was sent for; went to see her and found her very ill in bed. Mr. Hunter was sent for, and came soon after. Mrs. Hunter was very ill, and I was alarmed; she had a fit while I was there, but got over it before I left. I left Mr. Hunter in the room with his wife, and went down stairs; he came down and stood in the door; he said a great deal and seemed angry; he said his wife had been running about the streets all the week talking about him, and had brought this illness on herself, and she could get well as soon as she pleased, and get home out of that for he did not want her. I found Mrs. Hunter alone; no one with her belonging to the house. I summoned the family, and they came up. On no occasion while in there, did I find them with her. They did nothing for her; I was terrified at seeing Mr. Hunter so angry; I never saw a gentleman act in that way before. I called to see Mrs. Hunter several times and found her alone, only when her sister came; Mrs. Hunter did require assistance when I found her alone; I felt very unpleasant at my position. Had Mr. Hunter acted in my house as he did in his own, I should have put him out, or my own husband either.

JOHN HEGAN'S EVIDENCE:—I know Mr. Hunter; I had a conversation with him the morning on which Mrs. H. finally left him; he stopped me in the street, and said he expected to be in the police office that day. He said on that morning his wife came in, or down, and said "good morning Mr. Hunter, where did you spend the night." He said he replied to her he "did not spend it on the street, and *that* she knew right well." He said he then went forward and struck her; he showed me how he struck her with the back of his hand. She then called him names, and said she would have him up at the police court. I am not on bad terms with Hunter; I do not speak to him now when I meet him. The

constant complaints he kept making about his wife became a nuisance.

ROBERT DAVIS' EVIDENCE:—I had a conversation with Hunter previous to his marriage. I saw Mrs. Hunter the morning she left her husband in May; I saw her in her father's shop; Mrs. H. appeared nervous; I was surprised at seeing her there at that hour of the morning; I saw on her face quite a red mark; it had the appearance of a blow—a rather severe blow I thought.

J. A. VENNING'S EVIDENCE:—I am brother of Mrs. Hunter; I heard last witness mention seeing Mrs. H. in my father's shop; I went to my father's shop that morning in consequence of a message; when I got there I saw my sister there; she looked worried and dejected; I observed on her face an angry mark, as though it proceeded from a blow, and the eye appeared watery. I called at Hunter's house when my sister was ill in bed; Hunter was in the room; he took no notice of myself or wife; he sat sometime near his wife, and then went out of the room. After she left her husband, I wrote to her never to go back again under the same circumstances, as long as she lived; I meant she could not live there, she had tried it twice; I had no bitter feelings against Hunter, but sympathised with my sister.

WM. N. VENNING'S EVIDENCE:—I am plaintiff in this suit. I first saw my daughter in my shop, on the last occasion of her coming home; I noticed a livid mark on her face, it had the appearance of a smart blow; she went to my house that day, and has been there ever since; she was sick for a week after; her mother and sister took care of her. As far as I could judge she required a good deal of care and attention. My family paid her every attention during her confinement. One pound a week would not be an unreasonable charge for her board everything was supplied her. I saw a mark on the child's eye when it was one day old, it was quite distinct. I took tea at Hunter's three times, and was disgusted on the last occasion by Miss Hunter sitting on Mr. H's. knee and sticking her mouth into his.

The rest of Mr. Venning's evidence was principally in reference to the conversation which took place between Mr. Hunter and himself, when the former called to see his wife with a view to a reconciliation. Mr. V. said that he did not advise Mrs. Hunter not to go back to her husband; that Mr. H. acknowledged to him that his, Hunter's, family had done wrong in interfering between them; and that as far as his, Mr. V.'s feelings were concerned, he would rather see his daughter in her coffin than see her go back to live with Hunter. He also said, I never expressed these views to Mrs. Hunter, I was very cautious in speaking to her; I do not recollect trying to make any reconciliation after the final separation. I served a bill on Mr. Hunter at one time for $18; I received a letter from Hunter refusing to pay his wife's board.

MRS. MARIA VENNING'S EVIDENCE:—I am the mother of Mrs. Hunter. I remember when she came to my house, in May; she was highly excited and very ill, so much so that I could not leave her alone for several days and nights. When she first came home her nose was very much swollen across the bridge; her eye was a little inflamed, but it wore off in a day or two. Her state mentally was worse than physically. She gradually recovered, but it was ten days or a fortnight before she got her natural sleep. Her child was born about two months after. This child had a mark across its nose and one eye-lid. I did not advise my daughter to remain or go back. But I did advise her to go back if Mr. H. got a separate house, otherwise I advised her to remain.

THE DEFENCE.

S. R. Thomson, Esq., addressed the jury in opening the defence. He stated, in substance, that a husband, under ordinary circumstances, would be liable for the debts contracted by his wife, but not in a case when the wife had left her husband without his consent, and where he had expressed his determination not to be responsible for debts of her contracting. The husband would be responsible if his treatment of his wife rendered it unsafe for her to live with him, which he contended was not so in this case, as the treatment that Mrs. Hunter received at the hands of her husband did not justify her in leaving him, and he was therefore not responsible for her maintenance after her departure. Mr. Robert Hunter, the defendant, was then called.

MR. HUNTER'S EVIDENCE.—I am Defendant in this cause. On my way from Toronto to Montreal on board the steamer, in the evening, my wife looked over the side of the steamer and said, "Oh where will we go to see the sparkling of the water." I replied, Julia dear, how childish you are to talk so; she sat down on a seat on deck, I sat beside her; she turned her back to me and sat that way for some time, she turned around hurriedly and asked me if I would be kind enough to go to the State Room for her shawl; I got it and gave it to her; I then said I wanted to have a little conversation with her; I told her I thought there was no need of her going into a huff; I merely said, Julia dear, how childish to talk so, when she spoke of the water; I then said if that was to be the way we would have a rather unhappy time of it; if at any time I should speak hastily and she would go off in a huff it would be very uncomfortable; that now she had entered on a different sphere of life, and if she had been accustomed to that kind of thing she should try and get over it now; also, that I was a man out in the world struggling to make a living, and if I should go home at any time and happen to drop a word that didn't suit her in every respect she must overlook it; if I treated her unkindly at any time it would be different. She replied that if

I treated her unkindly once I would not have the chance again; I said I was sorry to hear a remark of that kind so soon after marriage; I thought any wife who loved her husband would not make a threat of that kind. I am aware of no difference up to the time of Mrs. Sancton's tea party. One day when leaving the house, after dinner, she came to the hall with me and said her sister Emily was coming in and they were going to Mrs. Sancton's to tea and asked me a call up for her when I shut the store, I told her I would. I went for her and on our way home her sister said Mrs. Sancton had waited tea for me and wondered what had kept me; I replied this was the first time I heard that I was invited; when we went to our room I mentioned the circumstance to her; I felt hurt; I told her I thought it strange she had not told me I was invited; that she had gone out so willingly and cheerfully without expressing any desire for my company; that I didn't think there was one woman in one thousand, if one even in five thousand, so recently married as she was who would have gone without her husband; if her husband couldn't go she shouldn't have gone either; that, in this case, it seemed she preferred to go without me as she had not even told me that I was invited; that she gave me reason to imagine anything I liked; that it was quite evident she preferred to go without me; that probably she expected to meet parties, and preferred to be without me; that I thought it very imprudent, and to prevent any further misunderstandings I would be plain with her; that I was head of my house and that in future she should not answer any invitations for me without consulting me. There was a little trouble occurred about going to a concert. I did not say I would not have thought anything, only for Mary. I never refused her money on any occasion; we were invited to a party and the day before it was to take place my wife came to my store and asked for a little money for a head dress, I gave her the amount she said she required; on that occasion I spoke of her interest in the house, and she told me that she would not take any interest in the house or any thing belonging to it; I replied if that was the case I would require to take less interest in her; she had not been taking any interest in the house. I never told her she must dress according to the taste of my sisters; to my knowledge she never was in want of money. Previous to this, after breakfast one morning, I asked her if she was provided with every little thing for winter she said she was not; I asked what she required; she replied, Furs; I said she should certainly have them; my sisters were well provided for and so should she be; she should go out and get them; she did so, and the bill—$40.00—was sent to me. I then told her it was my desire to make her happy and comfortable, and I would like to tell her our manner of doing in the house, that I would like the same course pursued as far as possible.' I told her that there was an account open at Mr. Hegan's and when my sisters wanted anything they got it there, if it was there, if it was not, they got it some place else; that my sisters had not been in the habit of getting anything without letting me know, as I didn't wish debts contracted through town without my knowledge. On New Year's eve her sister was at my house and I said to my wife I would like to buy a pair of boots—a present for her sister; we three went down town and purchased a Bible at McMillan's; we then went to Foster's Shoe Store, I hadn't time to wait and left my wife $8 to pay for boots. I do not remember giving her $2 and telling her not to be extravagant. When coming from dinner one afternoon my wife told me she was going to her mothers, that her brother and wife were going, and asked me to go for her after I shut the store; I told her I would. Before I shut store her brother called and said he had left Julia home; that they had come early on account of the storm; that was the night of the altercation. When we went to our room, I told her I was sorry to hear that none of my family had seen her since dinner; that previous to going out she had gone to the kitchen and gave orders to the servant what myself and my mother and sisters should eat and drink for tea; I also said that common courtesy might have induced her to have merely opened the door as she was going out and told my mother she was going out to tea, and that they might have been allowed the privilege of looking after tea in her absense; she immediately got quite angry and said she did not think she was bound to tell them when she went and where; that if she was mistress of the house she had the right to order tea; that was the cause of the disturbance that night; for every word I said I got one dozen in return; she took my arm and gave me a shake in anger; I told her not to shake me or I would put her out of bed; she was not crying all night; I told her to be quiet; she said she would go home in the morning; I slept a little; don't know whether she did or no; we both dressed at the same time; I told her to be careful about the steps she was taking, it was a very serious matter; that probably if she did go home she would return before evening; she said she would go and did. When I came to breakfast she was away. I then wrote to her father the following letter;

[Copy.] FEBRUARY 18th, 1860.

Mr. W. N. VENNING,

I would consider it as a great favor if you would call down and see me this morning, as I am most anxious to have a little conversation with you in reference to Julia and the unpleasant state of affairs existing between her and I at present.

Respectfully yours, &c.,
ROBERT HUNTER.

To this letter I received the following reply:

[Copy.] MONDAY MORNING, 18th Feb. 1860.

Mr. ROBERT HUNTER,

Dear Sir,—I have your note before me, and in reply would say, that if you wish to see me I am at my shop any time before half-past three and after that hour at my own house.

Respectfully yours,
W. N. VENNING.

I then went up on Friday forenoon and had an interview with my wife. During this interview she was reconciled to returning home in the evening, and was agreed that we should go to the Institute in the evening. I wished to go to the Institute because the affair was circulated about town, and I wanted to put an end to the talk. I was to go for her at 5 o'clock, and did so. Immediately after going to her room her father walked in and I reached him my hand to shake hands with him—he would not take it; he remarked that he had now no control over his daughter, but gave his advice and opinion that she ought not to return to my house and family. He then asked if I intended to make a servant of my wife; I told him I did not. My wife asked me if I did not recollect when we were three days without a servant, and said that one morning she got up and went down to get breakfast when Bell was lying up in her bed; I had never heard of this circumstance before; he then told her that there was always a home for her at his house; she did not return with me. Next day I wrote a letter to her—the one read yesterday; I went for her at 5 o'clock next day and she returned. After she returned she always had a fire in her own room, and came down when I went home to meals; to my knowledge she took no part in the house affairs; I spoke to her several times about the impropriety of living so secluded. On one occasion I told her there was a good sitting room and fire down stairs, with every comfort she could require; that occasionally my family was in the room, and at all events I did not think they would do her any harm. She replied that she would not sit in the room with my mother and sisters, or near them; she continued in that way. I never forbid her to go to see her mother; I had no objection to her going to see her mother. One night after retiring to bed she complained of having a pain in her stomach, and requested me to relieve her by rubbing, and I did so as much as I could. I was not cross with her, and did not tell her that she had brought it on her self. She got up on the floor after some time—I also got up.—She asked me to get her some brandy to ease the pain. I brought the brandy and she used it. After a little she was relieved, and we both went to bed. When I got up in the morning she seemed quite relieved from pain. At breakfast time I went to her room and was some time with her. I then went to the store and she seemed quite comfortable when I left. I was not long at the store when I was sent for and went up immediately. I found Mrs. Sancton in the room with her and she was quite poorly—had been in a fit. I remained all the forenoon with her and until some time after dinner, doing all I could to relieve her. During the forenoon she remarked that a Doctor might do her some good. I replied that he might, had I not better go for Dr. Sinclair; she said she would not have Dr. Sinclair he being unmarried; she wanted Doctor Botsford. I told her that Doctor Botsford should never enter our door; that he had been an enemy to my brother, the late Doctor Hunter; that Doctor Sinclair had been a student of my brother, and my brother had thought a great deal of him, and we all did; and that he was our family doctor since my brother s death; that he was in the habit of attending females every day, and was much liked. If she did not like Dr. S. on that account, why not have Dr. Livingstone? He was an elderly man, and a skillful doctor, and had also attended at our house, and we liked him very much; that she could have any doctor in the city except Dr. Botsford. I went to tea at six o'clock in the evening. I did not go up immediately to see her understanding that her sister was with her. I had not met any of the family since her return from her fathers. When any of her family called they generally went straight to her room and left as soon as I would come. I sent the servant to inquire if she would have some tea; tea was sent to herself and sister. Afterwards I sent again to know how she was, and if she wanted anything. Miss Venning was still there. Soon after I heard a noise, and sent the servant to know what was wanted. I then went up and found her quite sick. On going to the room I said I would go for Dr. Botsford if she wished; I was alarmed. I went to Dr. B's. house, and he was not at home; I inquired where he was. I went to Mr. Berton's to see him, and told him my wife was sick, and explained how she was affected and requested him to come and see her; he said he preferred that I would call on some one else as he was engaged; I told my wife; she said I might go for Dr. Livingstone or any other married man; I went for Dr. L., and he came up with me. Dr. L. said the cause of her sickness was neglect of her bowels for some time. I was in the room when Dr. L. was there. When he left I went in to see my sister who was sick. The Dr. attended my wife as long as was necessary. I was as attentive to my wife as I could be; I administered the medicine myself; I think she had no reason to complain.

Dr. Livingstone was here called and testified in substance as follows: I have heard Mr. Hunter's testimony. I attended his wife. I found her complaining; she was suffering from spasms of the bowels in consequence of neglect; I gave her the ordinary treatment. He was kind enough to her before me. I attended her till she recovered. I saw no inattention from Hunter's family; it was a very sick room, and every one was anxious to relieve her. I attended her at her confinement; I saw the child when born; there was no permanent mark, further than is common, at the time of berth, by pressure; if there had been anything of the kind, I would have made a note of it; I saw the child every day. I think a blow received by a pregnant woman would not cause a corresponding mark on the child when born. I think one of the family did wish me to let Hunter know of the birth of the child; I advised to the contrary; I did not think it right; I did not wish to be the instrument. Mrs. Hunter's former sickness may have been caused by mental excitement, which affected her bowels. Mrs. Hunter never made any complaint of her husband to me. Hunter did tell me the history of the troubles. Hunter was pre-

sent at the former sickness when I was there. None of the other members of the family were there.

HUNTER'S EVIDENCE CONTINUED.—I never told my wife that Mrs. Patten told me she was a little fiend; Mrs. Patten never told it to me. The story was manufactured. When my wife was sick I was sitting in her room reading aloud to her, and Mr. A. Venning and wife were ushered into the room. I made an effort to get up, but they passed to the other side of the bed, and commenced talking to my wife, and took no notice of me. Finding it uncomfortable to be there under the circumstances I left the room; after they left I returned immediately. I did not say, at that time, I would kick Albert down the stairs. I, some days after, said to her I thought it was queer treatment to receive from her brother, and if he treated me so again I would kick him down stairs. About a week before she left, on Tuesday morning, I was leaving after breakfast, and she came to the hall after me and took me into the front parlor to speak to me. She wanted to know why I had been so disagreeable for the last two days; I said it was because I was displeased with her conduct and the way she was getting along; she asked me in what respect; I told her in the first place, this infernal running, without my knowing where she was. On Saturday she went out after dinner and did not return until 11 P. M. She went to Zion's Church on Sunday and did not return until after we had got in church. She went out after dinner on Monday and did not return until 9 P. M., stopping to tea. I did not know where, nor don't know yet. She asked me if that was all, she would be very glad to know. She then added that she would tell me she would go where she liked and when she liked; she had always been accustomed to it and would always do it, and she did not care for me. This was said in a coarse way. I then told her she was a little devil; I told her she wouldn't do anything of the kind, if she did I would put her out of the house. She then stamped her foot and told me I dare not put a finger on her. I then left the house. She did not appear to be frightened of me. That evening at tea time I went up stairs, and on passing down she called me to her room. I told her she might pack up her things in the morning, and I would send her home to her father; that when a wife would tell her husband that she would do as she liked, it was time she was sent home. She replied, that she would not go one foot; that I brought her there and was bound to keep her; that I should go first. I told her if she remained she would require to act differently, or I would put her out. She then dared me to put a finger on her, and said—the idea of a Hunter putting a finger on a Venning. The next day, Wednesday, I met Mr. Ewing from Boston; what he told me annoyed me so that I could not eat any dinner, neither could my mother. A remark was passed about my mother not eating; my mother replied that very little eating would do her while I was in this case. My wife replied: Mrs. Hunter I do not understand what you mean. I then said: "Julia, I would as soon live in hell as with such a woman; Mr. Ewing called on me to-day and said every one he had been speaking to in town was down on me from accounts they got from their wives through my wife." I believed for some time after that she had been employing herself in that way, speaking disrespectfully of her husband and creating bad feeling among his friends; from that and what she told me in the morning, matters were in a very bad way. After that we occupied separate rooms; she continued going out without my knowing where she went; I occupied an adjoining bedroom. On Sunday her brother called for her and took her to her mother's, and she returned about 9, P. M; that night she left my comb and brush out of her room; she must have heard me go to bed; there was no other person in my room. Next morning I brought up the morning paper from the store as usual, and was reading; I was in the room alone, and she came down, and as soon as she opened the door she said: Good morning, Mr. H.; how do you do; how did you spend the night; did you spend it on the street? I replied that she knew right well I did not spend it on the street, that I was not in the habit of spending my nights on the streets; she said she did not know but probably I did. I got up to leave the room to escape further notice; she got up also, and, turning towards me, told me I was a devil; I was no man, I was only a poor, miserable tailor, the ninth part of a man; on the spur of the moment I turned around and just touched her on the cheek with the front of my hand; I was irritated; she exclaimed, 'You have struck me now, you devil, and I will have you to the Police Office before five minutes;' she appeared pleased, as though she had accomplished her object; she went and put on her things to leave, and when she went down stairs she called out, "Now I have got you; now I have caught you;" she then went away and did not come back. The blow was given in the heat of passion. I never recollect catching her by the chin; I never shook her or threatened to beat or murder her; I never said I would tie her neck and heels and pitch her into a coach; I never called her a bitch; I never called her any name worse than a little devil; I never entertained any desire to ill treat her. I supported my family wholly; I do not consider myself able to keep a separate house. Dr. Hunter left £200 in my hands and I pay my family regular interest on it. After my wife left me I never told Mr. Hegan or any body else that I struck my wife before she called me names; the conduct of my wife made me feel unwell and unhappy. I wrote a note to Mr. Venning about four weeks after my wife left. She was not in bodily terror of me. I did not wish her to go away; she might have returned if she wished. A few days after, her sister came and took away her things. I felt quite anxious to have her come back; I wrote to her several times. The following is the first letter I wrote after she left:

[Copy.]

MONDAY MORNING, 6th June, 1861.

My Dear Julia,—Should you have any desire to see me, I will call up this forenoon. Probably you know what morning this is—being nine months this very morning—both the day of the week, and the month on which we were married. Severe have been the occasional trials which I have endured during that short period—such as had not been experienced during all the previous part of my life. We know not but that the *Almighty* has some good in contemplation in these trials, of which we know not at present, but may know hereafter. I feel rather diffident in addressing you at this time, owing to the very excited manner in which you left my house on the morning of your sudden departure, with the object of taking your husband to the Police Office, which would have been a rather novel situation for him to be placed in, never having been required to go there for any misdemeanour—also the unbecoming language made use of previous to your leaving. The interview, if desired on your part, I should like to be without the presence of any of your family. Hoping that you are in the enjoyment of good health,

I am, My dear Julia,
Your Husband.
ROBERT HUNTER.

The boy will wait a little for your reply.

To this I received the following reply:—

CEDARVILLE, June 6.

My Husband,—I am surprised to receive those lines from you, and much more at the request you have made. On a former occasion I granted it, and was persuaded to return to *your house*, and treated with greater indignity than before. Should I grant you another interview, it might lead to the same request, and that I can never comply with. I have nothing to hope for now. My life has been *clouded* and *blighted* by too many scenes of misery for me ever to trust my happiness in your keeping again. You speak of the day of the month—I have reason to remember it. God Almighty has protected me thus far, and the *ruinous designs* of your mother and sister have been frustrated. I have proved to the world that I have been a true wife to you, and not the guilty woman *they* tried to make me appear. You refer to the language used by me the morning I left. *Think* Robert of the epithets you bestowed upon me for a week before I left you, and let your heart answer whether I am to blame or not. You also speak of your unhappiness. What has yours been when compared with mine? You, a man able to battle with the world. I, a weak woman, looking and depending upon *you for happiness and protection.* Nothing but God and his goodness has supported me through very many trials, and to him alone I still look for strength and consolation.

Your wronged and injured wife,
JULIA HUNTER.

In reply to the letter received from Mrs. Hunter, dated 6th June, sent the following:

[COPY] MONDAY MORNING, 10th June, 1861.

MY DEAR JULIA:—I was quite surprised at the contents of the note which I received from you in reply to mine of last Thursday morning, being very different from what I had expected. You commence with the words *My husband*, expressing your surprise at receiving a few lines from me, and your astonishment that there should be a desire on my part for an interview, objecting to and refusing such, lest such an interview would result in your again returning to your husband. Such, Julia, are not the expressions or the feelings of an affectionate, attached wife—unwilling to see your husband, from whom you have been separated for the past four weeks, under painful and unhappy circumstances—dreading even an interview lest it should lead to your return to him. Was I the greatest monster in the world, rolling in drunk to you at all hours of the night, beating and abusing you in the most beastly manner, there might be some excuse for such expressions; but your husband is not of that class. But what I most particularly wish to refer to in your letter, are some expressions therein contained, and charges made of which I am entirely ignorant. You say the ruinous designs of my mother and sisters has been frustrated—that you have proved to the world that you have been a true wife to me, and not the guilty woman they tried to make you appear. Now, Julia, those are charges which I think you cannot substantiate, but are imaginary and exaggerated. Although such is my opinion, yet should you explain the matter sufficiently, and satisfactorily show that my mother and sisters have such designs against you, of which I have been ignorant, I will leave nothing undone to have matters rectified to your satisfaction; and surely, Julia, such explanation is justly due from you to me in justification of such charges; and I certainly expect to be gratified in that. You speak of my unhappiness as nothing when compared with yours. I, a man, as you say, able to battle with the world. Could you but realize my present situation, such would probably not be your opinion—representing yourself as a weak woman, depending upon me for happiness and protection. Surely, Julia, although such may be your language now, certainly your conduct towards me on many occasions did not manifest such to be your feelings—telling me, as you did the week previous to your leaving, that you would just go where you liked and when you liked; that you had always been accustomed to it, and that you would always do it; and in addition, that you did not care for me, manifesting your total independence of and indifference toward me. Surely, July, even supposing that you had always been accustomed previous to marriage to going when you liked and where you liked, you might reasonably consider that your being a married woman ought to make some difference in that respect, and that your husband's feelings and wishes should be worthy of a little consideration. In my last I made some reference as to your health, which you made no reply to, thinking, probably, that in that I felt no interest; but

if such be your opinion you wrong me much. And, moreover, I feel deeply interested and anxious as to your approaching illness, trusting and praying sincerely that the Almighty will grant unto you sufficient strength to enable you to get through successfully; and that even under the distressing circumstances in which we are placed towards each other as husband and wife, we may have granted unto us an offspring. I expect to leave on Wednesday morning for the country, to spend a few days. Hoping to hear from you soon, I am, my dear Julia,

Your husband,
ROBERT HUNTER.

REPLY.

[COPY] CEDAR HILL,
St. John, N. B., June 10th, '61.

MY HUSBAND,—As you have requested an answer to your letter of this date, I hasten to comply. You were surprised at my answer to your last,—what should you expect, knowing how you have treated me?—you having crushed and broken a heart which was wholly yours, and which clung only to you for love and happiness. You speak of our separation. *Who caused it? I did not leave you willingly*, but was repeatedly *ordered out of your house*, nor did I go the first, second or third time you told me to; not when you threatened to take my life, and tie me neck and heels, pitch me into a coach and compel me to go; not when you told me you would no longer acknowledge me as your wife, and if I remained there I was only an *usurper* and *intruder*. I endured all this, still hoping there was yet one spark of affection remaining for me, but alas! there was not; and yet not until you put your threat into execution, and laid violent hands upon me for the second time, placing me in terror of my life, did I leave you. Robert, you speak of a drunken husband; had you been under the influence of liquor there would have been some excuse for you, and I could then have hoped that in your sane moments I would have received some kindness, but you have treated me far worse than many a drunkard treats his wife, and yet not influenced by liquor. Alas! I know too well what class my husband belongs to. You profess not to understand me when I say that the ruinous designs of your mother and sisters have been frustrated. I have heard, Robert, and I firmly believe that *they* have said, that I was in the same situation when I married you as I am at present, and that I only married you as a cloak for my shame. You, too, must have heard it, although you now plead ignorant, otherwise what could you have meant when I asked you where you had passed the night—as any other wife whose husband had left his own bed for a week previous—and your answer was "that you had not spent it with a *vile, treacherous woman.*" Who had you reference to, if not to your wife? You accuse me, Robert, of not caring for you and being perfectly indifferent to your wishes; you know *that is false*, as well as a great many more assertions you have made. I never told you that I did not care for you. In looking ove the past, I cannot accuse myself of showing any want of affection for you. Have you so soon forgotten times when I have gone to you and thrown my arms around your neck, saying, Robert do you not love me? and in reply you have *cast me from you as one not worthy of your love.* In your heart, Robert, you know that any kind word from you was *prized* and *fully appreciated* by me, but you and our Heavenly Father know that *they were few, very few.* You say that you are anxious about my health, how can I think that you really mean it when I have never received one word of sympathy from you. You have known my situation and if I even complained of feeling ill, you would ask me how the woman did who had to go out washing every day; such is the kindness I have received from you. My father and mother have bestowed upon me the sympathy which I had a right to expect from my husband, yet it was denied me. You speak of our child, in all probability it will never know a father's love, and should I be taken I trust that the the kindness I have received from my family will be extended to my child. You say you are going to the country, no doubt *your sister*, who has always taken *my place*, will accompany you; I wish you both a pleasant time. Now, Robert, if you are really sincere about my health, do not worry me with any more unkind letters, as I feel quite unfitted for the task of replying to them; and when next you feel moved to talk to your friends or mine, for your own sake keep to the truth. You told Mr. Thorne many things far from the truth. Pray, who left the house first on the Sabbath day you referred to? Did you not go out with your sisters and leave me alone? Did you ask me to accompany you? Did I enter the meeting in the evening when the service was half over? Did you tell Mr. Thorne the language you made use of to me for the last week previous to my leaving you? For fear your memory is treacherous, I will remind you, although the repetition of such foul language is truly sickening, namely, you *little* devil, you *bitch*, you *infernal devil.* Those were your pet names. You to talk of love and call yourself a man, could use such *vile language* to your wife, is beyond my comprehension. There are many men in the lowest ranks of life, of no education, who would scorn to act such an unmanly part. My heart aches at the very thought of it, and I grieve that I have been so deceived in you. Again, you say that you took oath before a magistrate that you gently touched my cheek with your hand—that it could not be called a blow, and that it was the only time you ever laid your hands on me. You know, Robert, you said what was not true when you made that statement. You cannot surely have so soon forgotten that a few days previous to the last blow, you caught me by the chin and shook me violently, leaving the impression of your fingers upon my face for some hours after. Oh, Robert, who could have thought that you would treat me, your wife, in such a manner as you have.

Praying that God will one day show you the error of your ways,

I remain your wronged and injured wife,
JULIA HUNTER.

I then went to my sister in-law and sent her to see my wife and try to reconcile matters I never heard any charge against my wife's character. My letters to my wife did contain my genuine feelings towards her. I went to Shediac after receiving her second letter, and again wrote to her from there:

[Copy.] SHEDIAC, Thursday morning, 15th June, 1861.

MY DEAR JULIA:—On Tuesday evening, being the evening previous to my leaving home, I quite unexpectedly received a letter from you, hearing, as I had done during the day, that I had written letters to you for the purpose of annoying you, thinking that I considered you too happy and comfortable, and was desirous of giving you annoyance, and that you would answer no more of them. Such were very different from the motives and the feelings which actuated me in addressing you, and I think there was nothing in these letters which could have led you to suppose so. But such is only in accordance with the misconstructions and misrepresentations which has been of frequent occurrence with you. Many are the assertions in your last letter, now before me, which are false and extravagantly so—so much so that I cannot call forth language sufficiently strong in which to reply to them—and this is the course which you have been unnaturally pursuing, and which has resulted in bringing matters to the unhappy position they are now in between us—misrepresentation and extravagant exaggeration. In some few instances you have gone over to me occurrences, which have taken place between us shortly after they happened, quite differently from what actually did occur, making it appear so as to suit your own purpose, and I have told you so at the time. Your abilities Julia in that respect are great. You say that I threatened to take away your life; to tie you neck and heels, and pitch you into a coach and compel you to go, and not until I put my threats into execution and laid violent hands upon you, for the second time placeing you in terror of your life, did you leave me.—Oh, Julia—my wife, my wife—how can you thus write, how can you invent such falsehoods, it is murder and nothing short of it—such wild, such extravagant untrue accusations. Think, my wife, that although you may accomplish certain ends and create a bad feeling against your own husband unnatural though it may be for you to do so, yet there is a God before whom you will require to answer for those things, and not knowing how soon, repent oh, my Julia, before it is too late. On the evening of the Tuesday on which you told me after I had at your request mentioned to you what I disapproved of in the course you were pursuing—those exact words—that you would go just where you liked and when you liked; that you had always been accustomed to it, and that you would always do it, and that you did not care for me.—Feeling much hurt and annoyed at being thus spoken to by my wife—from whom I had also for some time previously been experiencing manifestations of the greatest indifference towards me—which wounded my heart most terribly—I, on the evening referred to, told you in our own room to pack up your things on the following day, and that I would send a coach and have you and them taken home, that I would not put up any longer with such treatment—repeating to you what you had told me in the morning—to which you replied you would not go one foot, &c. On the following day at dinner time, I told you, certainly, after your making some remarks to something that mama said—that Mr. Ewing from Boston had been in with me that forenoon, and told me that every one he had met with were down on me from the character they had heard of me from my wife, through theirs—and that from you pursuing such a course towards me, and from you having told me what you did on the previous morning, that I could not look upon you or consider you as my wife in future; from that time I occupied another room. Nothing occurred between us further, until the Monday morning you left, when you came down stairs, and finding me alone in the sitting room reading the morning paper, you addressed me in the following manner: Good morning Mr. Hunter, how do you do this morning? how did you spend the night? was it on the street? To which I replied, right well you know that it was not on the street—that I had never been in the habit of spending my nights on the streets. After a few remarks passing between us I got up to leave the room, when you also got up, and turning towards me told me that I was a devil, that I was no man, that I was only a poor, miserable tailor, the ninth part of a man. It was this, Julia, and under such provocation, that turning around I struck you (if you may so call it) slightly with my open hand on the cheek, when you exclaimed, as if having accomplished your desire, now you have struck me, you devil, and I will have you at the Police Office before five minutes, running up stairs in a great hurry, and putting some things on, down again in the same way, and out of the door, slashing it after you.—That is the only time, Julia, on which you can say that I ever struck you, and that the only extent, unless it may be that you say I caught you by the chin on another occasion. *I never threatened to take away your life*—never said that I would tie you neck and heels and pitch you into a coach and compel you to go. I never made a threat that was put in execution, by putting violent hands on you and thus placing you in terror of your life—until which time you say you did not leave me. You left me under the circumstances I have described. Julia, those are dreadful accusations that never occurred. You do not believe me when I say that I am quite ignorant as to the meaning of the ruinous designs of my mother and sisters towards you of which you accuse them; and in explanation of that, say that you heard, and *you firmly believe it*, that they said you were in the same situation when you married me as you are now, and that you only married me as a cloak for your shame, and that I also must have heard it though pleading ignorance; otherwise, why did I tell you the morning you left, that I had not spent

the night with a vile, treacherous woman. In the first place I believe what you say in reference to my mother and sisters is villainously false; that they never either thought or said the like, (you may, however, require to answer for it again) that I never heard of such having been said before, *whether you believe* my *word or not;* that I never told you what you accused me of previous to your leaving; but what I said was this—that I did not spend the night with a false friend in my bosom—referring to you going about amongst many people endeavoring to make me appear so bad. I have never, in talking to your friends or mine, told anything but the truth. Oh that I could say so on your part. I have not stated anything to Mr. Thorne but the truth. On the Sabbath you refer to when coming from church you asked me if I would go to Zion's Church; I told you I would not; you said that you would go whether I did or not. After dinner I went up stairs to pare my corns, intending as you were going to Zion's Church that I would go over to Carleton; on coming down stairs I quite unexpectedly met my sister in the hall dressed, going over to Sarah's; I did not know they were going out, neither did they know that I was until we met in the hall, and then we only walked together as far as Sarah's. I proceeded myself to Carleton. That, I think I explained to you before; it was no use to ask you to accompany me when you were determined on going to church. I did not say that you came into the church in the evening after the service was half over; I said you came into church after us. I have said nothing in reference to that or anything else but the *truth*, let it be misrepresented as it may. I never called you a *bitch;* I called you an infernal little devil on the Tuesday morning referred to previous to leaving, of which I told Mr. Thorne and any others I have been speaking to on the subject; I may have called you the same on occasions when provoked to it. But I repeat it again—I have called you or no one else a *bitch*—you say that you have been cruelly deceived in me; I am the one that has been terribly deceived—from being in a situation of happiness and comfort, having by one unfortunate step in my life rendered myself miserably unhappy, and still there was no necessity for such being the case; my whole and sole desire was that my wife and mother and sisters should all be happy, and for that end was willing to be a slave to any extent that might be necessary. But Julia your object was different, you entered the house, I believe, with the desire of making matters as unhappy and disagreeable as possible, that by such means you might compel me to separate from my family; I have often told you that I believed such to be your object; I have told you Julia of the imprudence of the course you are pursuing, that it was your duty to do otherwise, and that you were pursuing a course the very reverse of what you know was agreeable or pleasing to me. We might have been happy Julia together; I was desirous of being so; what object could I have in desiring to be anything else. I could have loved you Julia almost to adoration, could I but have seen these feelings reciprocated in your conduct towards me; but there was always, even from soon after marriage, that desire to run on all occasions, and that total indifference as to whether your husband accompanied you or not, which to me was galling in the extreme, being of a very sensitive nature. Had your parents at the first commencement of our troubles brought us together and heard the grievances of each, and consoled and advised us, matters would never have come to what they have; but they have pursued a very opposite and very inconsistent course—they have listened to your one-sided and extravagant stories, and by their counsel and advice have assisted much in widening the breach. It is always better to endeavour to reconcile differences between husband and wife than to magnify Julia, I cannot describe to you the extent of my misery, and how much I deplore the unfortunate state of affairs between us, for which there was no necessity. I have been told, Julia, that on the evening previous to our marriage, you made use of the following expression to some female friends who were present, "that you were going to be tied hand and foot to the old fellow in the morning, and that you would then make the money fly." Such were not the proper feelings; such was not the proper spirit to express or entertain on the eve of such an occasion or under which to enter upon the sacred duties of married life. I must conclude, although there are many things which I should like to say. Hoping that you will excuse the annoyance given to you in writing to you at this time, assuring you that it has not been to me a pleasant task to write to you in such a strain, but considered that it was nothing more than a duty to myself to reply to the vile and untrue charges against me contained in yours. With the kindest feelings towards you,

I am, dear Julia,

Your much slandered and unkindly treated husband,

ROBERT HUNTER.

I never received any reply to my third letter. My wife never returned to me. I heard the child was born by ordinary rumor. I did not get to see it, because of treatment I always received from my wife's family. I would have liked to have seen the child. I got no notice of its being baptized. I was not consulted about its name. It was not baptized in my own church. The first intimation I got of this claim against me, was a bill from Mr. V. On getting it, I afterwards sent a notice to Mr. V.

[Copy.] ST. JOHN, 20th August, 1861.

MR. W. N. VENNING,—

Sir,—I have received a bill from you charging me with £18 board, &c., for my wife with you.

You are quite aware that my wife left my bed and board without my permission—against my will, and without any excuse whatever. I never authorized you or any one else whomsoever to harbor my wife; whereas you yourself well know I am perfectly able and willing to keep and support her myself in my own house.

I beg therefore to explicitly notify you that I have not been liable, and will not hold myself lia-

ble for any board or other debts of my wife's contracting. Respectfully your's, &c.,

ROBERT HUNTER.

I also got another bill from Mr. V. amounting to $106.85. I then got a letter from Messrs. Wetmore & Peters. Shortly after I got this, I was sued. I was again sued; the second suit is now on record. Two actions are pending against me. I was also sued in Court of Divorce. During the whole of my intercourse with my wife she showed no affection and did not consult me. She evidently wanted a seperate establishment, and that I could not afford.

Cross-examined:—I am the sole support of my mother and sisters, except interest of money before mentioned. The servant did the work about the house. My sister did sewing for the family. They did not make their own bonnets or cloaks; I do not know of them making their own dresses. They looked after household duties,—house cleaning twice a year. I can't tell what house duty they did; they were often sewing. I never saw them making hooped-skirts; I cannot tell what they were making. They sometimes made shirts and drawers for the shop; I cannot tell how many pairs. There was nothing else required that they could make. After Mrs. Hunter came to the house, the servant did work. I never saw my wife doing house work; the servant did washing and cooking and scrubbing; can't tell who did the balance of the work. I attended Mr. Bennett's church when the child was baptized; I do not attend there now. I know of no other way for evil reports to get about, except through my wife. I did tell that my wife had left me; I told Rev. Mr. Lathern; I do not recollect telling any one else. I will not swear that I did not tell it to forty persons; I did not tell everybody. I told no person until I heard my wife had told Mrs. McMillan. Mrs. McMillan was a friend of my family. Mrs. McMillan told me she never saw my wife before marriage. She visited my house to see my own family particularly. I cannot say that the consultation I had with Messrs. McMillan and Bennett was the cause of our reconciliation. [Here Counsel for plaintiff mentioned a great many persons, but witness could not swear whether he had mentioned the first difficulty to them or not.] He continued:—I had great mental anxiety a the time my wife left me. Do not know how it effected my bowels; can't speak about my appetite. I have read judgment in divorce case. I purchased about 125 copies from Mr. Day. I gave Mr. Day a copy of the judgment. When asked, I gave printed copies away. I wanted the public to see the truth. I had no desire to prejudice public opinion. To the best of my recollection I never told my wife I could not go out to tea with her. My wife did make my sisters presents of thimbles at the time I gave her the $8. I have no recollection of my mother getting a pair of slippers out of the $8. My meals were ready regularly. I always got a clean shirt when I wanted it. My clothes were always taken care of. [Witness refused to answer whether he had stated to some person that "if a verdict in this suit were given against him, he would put his property out of his hands, and Venning would never get a cent of it."] I cannot swear whether my wife used both hands in shaking me or not; she shook my arm, it was not my leg, I did send a letter to her to send all traps back again after she left. My nose did not bleed, when she shook me. I think I did consult a lawyer a few days after my wife left the first time. Before my wife left me finally she was engaged in sewing on baby clothes while in her room. She used to come down to the sitting-room in the evening. As a general thing, she used to come down stairs and greet me when I came into the house. I do not remember of any one of my family rendering assistance to my wife when she was sick. I always take my boots off in the sitting room. I never threatened to throw them at my wife. I will swear positively I did not say "duds" in telling her to pack up. [After considerable disputing and objections on part of plaintiff's lawyers, a printed copy of judgment in divorce case, Hunter *vs.* Hunter, was put in as evidence.

Re-examined:—I never passed a day without speaking to my wife, I furnished her with all she required. Had no desire to see her worse furnished than other ladies. I presented her with a gold watch and chain the evening before marriage. The judgment in the divorce case was published to remove public prejudice, without note or comment.

Re-cross-examined:—Would not answer whether he tried to get back watch and chain after separation. I purchased shawl and boots in Boston for her. I paid £12 for furs for her.

MRS. MARGARET HUNTER'S EVIDENCE:—I am wife of F. Hunter, sister-in-law of defendant. I remember Robert Hunter wishing me to go and see his wife; he told me to say that he was willing to provide a separate home for her, if she was willing to return. He was very anxious for her to return to him. I said I would go with pleasure if I could do any good. I did go next morning; saw Mrs. H. I told her I came to learn her mind as to returning, and I said I thought her husband would be willing to take another house for her, but I did not say Mr. Hunter told me so. She said she would not return if he built a palace for her. I did not let her know her husband sent me. I then came away. I communicated to Mr. H. what his wife said.

Cross-examined:—I have a very imperfect recollection of what took place. I do recollect Mrs. Venning saying she thought Mr. H. was out of his mind. I replied that I thought not. I recollect Mrs. H. calling on me for baby clothes. I do not recollect telling Mrs. H. that I pitied her. I did not tell her that I knew she could not live with her husband's family. I do recollect on one occasion her husband told her he would not go with her, I did go to see Mrs. H. in consequence of a dream I had. I may have told her I went out partly in consequence of it. I did not tell her I came out in consequence of sympathy. I told her that I pitied her position; that I felt so bad about the troubles that I could not sleep; that if I could do anything to reconcile matters I would do it. Mrs. H. did

not then ask what I would advise. She did not then say you surely would not think of or advise me to go back to that house. I did not reply that I could not advise her to do so. I did say that Robert had been very much indulged by his family and he would expect it from his wife.

Re-examined:—When I visited Mrs. H., she repeated a good many of her grievances; I think not in a very good spirit.

MRS. ROBERT HUNTER RECALLED:—I recollect Mrs. F. Hunter coming to see me in June at my father's. She did say she felt a great sympathy for me; that she pitied me. She told me she had been very unhappy and could not sleep; and she had told her husband that if she lived till morning she would call and see me. She said she pitied my situation—it was a dreadful way to be situated. I replied that it was an unpleasant situation, but I felt a freedom now which I could not feel then; I felt like one out of prison; I could go around my father's house without being found fault with. She said if she could do anything in her power to make things better, she would do it. I said, Maggie, what can be done—you surely would not advise me to go back again. She said, oh no, she could not do that. I said, what can be done, Robert will never separate from his family for me; have you known how I was treated there? She said she had heard a great deal of talk from the family, but did not pay much attention to it. I said, if you knew what I had to put up with, I have had so much impudence, especially from Isabella. She said she knew I would not be able to live with the family when I went there, and that her husband had advised Robert to think well of it before he married me. She said if you were by yourselves, don't you think you might get along? I said there was a time if Robert had done as he promised he would, take me to a home in the spring, that we might have lived happy. She said she did'nt even think we would get along then, for he had been spoiled by his family—if there was one thing better than another they always gave it to him; that his family always made him think he was something superior to any person else; that if I did go to live with him I could have no will of my own, but just humor him like a spoiled child. I must give up my family and friends and just agree to whatever he proposed. I said Maggie would you be willing to do that? She said she never would do that for the best man on earth. She said how different *her* husband was now from what he used to be—that he had a great many of those ways that Robert had, when she was married to him, but he was quite different now. I do very differently from you, I never take one word from his family. I think I said during the conversation that I would not live with him now if he would take me to a palace, after the way he had treated me. I thought the conversation was strictly confidential. I did not know that my husband had sent her. I did not expect that what I said would be repeated to my husband.

This closed the evidence in the case. The following is a summary of the speeches, and the Judge's charge.

MR. THOMSON'S SPEECH.

Mr. Thomson in closing for the defendant commenced by saying that the present case was one of the most painful which had come under his notice and he felt very much embarrassed in addressing the jury on the facts in connection with it. On the one side was a lady possessed of great personal attractions, and, in consequence, commanding a sympathy which persons will naturally feel for a lady placed in trying circumstances; on the other, a gentleman, to whom the same sympathy would not be extended. He had noticed, from the crowded state of the Court during the progress of the trial, and other circumstances, the immense interest which had been evinced in this case, and he was satisfied that such demonstrations could not be without weight on the feelings of a jury. His client labored under a disadvantage in that the one side of the case, the lady's evidence, and only a portion of the defendant's evidence, had been published in one of the city papers, and the impression created from reading the evidence, as far as published, was that the lady was a very ill used person indeed, but he was satisfied that the jury before him was composed of gentlemen who would not be influenced by any reports which had been circulated damaging to defendant's case, but would impartially weigh the evidence, and recollecting that a great principle was involved, render a verdict according to the evidence before them. He continued: Gentlemen, the question you have to decide is whether a woman, whenever little family differences arise, can leave the house and protection of her husband, go abroad into the world and contract debts in the name of that husband. Realize this to yourselves, picture yourselves in such a position as that; there is no family in which domestic quarrels do not arise; and recollect that if such difficulties are made known, public opinion is always on the side of the woman, who is generally the possessor of a tongue which it is impossible to withstand, and a power to call tears to her aid, which men, as a general thing, cannot resist. The learned Judge will lay down the law to you in such cases, as administered here and in England, and I am satisfied that, according to that law, you will find that there was no violence or attempt at violence in this case, which could furnish a warrant to the wife for violating the sanctity of the marriage vows, and leaving the home of that husband, whom she had sworn in the presence of Almighty God to love and obey. Mrs. Hunter in this case has seemed to drag her memory for all the little petty charges of ill treatment which she has preferred against her husband; every little mole-hill she has magnified into a mountain. I can tell you, gentlemen, that Mrs. Hunter did not manage to recollect one half the evidence in the trial at Fredericton, which she has given in this Court, and even in the most charitable view of this circumstance, I must say that she has evinced a desire to damage her husband's character to the utmost extent in her power. Mr. Hunter's character stands without a blot in this community; no man has even dared to say that he has not been strictly honorable in all his transactions; and I have a very

poor opinion of the woman who would wantonly assail the character of her husband. When Mr. Hunter made propositions to the lady who is now his wife, she and her family well knew what were his circumstances and prospects; and surely when that marriage was consummated they had a right to look forward to many days and nights of nuptial happiness; and when those unhappy differences did arise with his family, the wife surely ought to have exercised a little forbearance and discretion; she ought to have recollected that he was the much loved son and brother as well as husband. When the first little quarrel occurred on the way from Toronto to Montreal, if Hunter did say it was childish for her to wish to see the sparkling of the light on the waters, it was not very harsh, and did not justify her in getting into a pet and telling him that if he treated her unkindly once he would not do so again. Mrs. Hunter was not forced into the match, and I might say, but I don't that this looks very much as if Mrs. Hunter married for an establishment; and, gentlemen, when a wife commences in the "honey moon" thus to differ from her husband, her future actions are well worth watching. This case was opened up at Fredericton on the application for a divorce, a great deal more evidence was elicited than in the present case, and the Master of the Rolls, after deliberating for three months, decided that there were not sufficient grounds for a separation, or for a claim for separate maintenance; and, gentlemen, you should be very careful how you set aside by your verdict such a decision as that. In law, if the husband turns his wife away, she would have the authority to pledge his credit. Did Mr. Hunter turn his wife out of his house? I deny, unhesitatingly, that he did so. On the contrary, after she left, he did all in his power to bring her back—he wrote a letter begging her to come back—took a coach up to her father's house to bring her back, and she was advised by her family not to come. Her father knew that Hunter had used these efforts to get his wife back, and knowing this, expressed the sentiment that he would rather see her in her coffin than go back to live with him. I say that there was no justification for her leaving, and that from the very first she evinced a determination to have a separate establishment, doing all she could to create unhappiness in the family to this end. After Hunter had used unavailing efforts to get her to come back, and after he had been furnished with a bill for her board, he wrote to her father, explicitly stating that he was quite able and willing to support his wife at his own house, and would not be responsible for any bills which she might contract; if, gentlemen, after this you say that she has the right to run about town and contract bills, I consider that you are striking at the very roots of the fabric of society and all domestic happiness. The conduct of the father of the lady in this case is reprehensible in the extreme. He seems to have done all in his power to prevent a reconciliation, forgetting that "what God has joined together" no man should put asunder—and, gentlemen, in this case it was *no man* who did keep them asunder.

The learned gentleman reviewed the evidence at length, commenting upon it, quoting largely from the judgment of the Master of the Rolls in the divorce case, in support of his statements. We have given but a mere outline of his very able speech. Our space does not permit us to go more largely into it. He spoke for nearly two hours and was listened to with great interest, concluding with an eloquent appeal in favor of the defendant as an affectionate son and brother, stating that it was found invariably to be the case that an affectionate son was sure to be a kind, affectionate husband.

MR. GRAY'S SPEECH.

Mr. Gray delivered one of the most eloquent speeches, in closing the case for the plaintiff, that we have ever heard. He was nearly three hours on his feet, and at times was listened to with breathless attention. He took Mrs. Hunter's evidence as published in the TELEGRAPH, and following each successive portion of it dwelt on the causes which Mrs. Hunter put forth for leaving her husband, and the treatment which she alleged she received at his hands. As in the case of Mr. Thomson's speech, we can only give an outline of what Mr. Gray said on the occasion.

In opening he said: If I were to limit my observations to the feelings of the defendant and his mother and sisters, I could say that there are *other* mothers and other sisters who have feelings in this matter as well as those of the defendant; but I have to go beyond this, and deal with facts as they have been brought out on this trial. My learned friend, Mr. Thomson, has quoted those beautiful words of the marriage service—"What God hath joined together let no man put asunder"—but my learned friend forgot that there was a higher law—forgot to take the Bible and read those words, which are read wherever Christianity has a foothold, and wherever the name of Christ is known: "For this cause shall a man leave his father and mother and cleave unto his wife." A case such as this is not to be governed by mere language, but by arguments and facts. There can be no question about the law which regulates such cases. The Judgment of the Master of the Rolls, from which my learned friend has quoted so largely, has nothing to do with the present case; the application in that case was for a different object, and cannot affect the present, and I ask that your conclusion may be different. The credit that we are endeavoring to establish is that of the husband in a case where the wife, from a fear of personal injury, had left him and had contracted bills for her maintenance after so leaving. The husband in such a case would be responsible for those debts, unless it could be proven that he had made a *bona fide* offer to take her back, and even then if the wife had a *reasonable* fear that the indignities would be renewed, she would not be compelled to return, and the husband would still be responsible for her maintenance. First, we have to determine if the conduct of the husband was such as to justify the wife in leaving—was it such as to cause her to

have a reasonable fear of personal danger. If so, she goes abroad with a credit, and the only way in which the husband can rid himself of the responsibility is by making a *bona fide* offer to her to return. There are two modes by which the husband, in the present case, gave credit to the wife: first, by ordering her out of his house; and, second, finding his orders not obeyed, he adopts a course which I believe to be unparalelled in this City and County, that of threatening her life if she did not leave.—The first quarrel which occurred between Mrs. Hunter and her husband, on board the boat, may be a very little matter, but straws sometimes show which way the wind blows; and the man who would not gratify such a desire on the part of his wife, one week after marriage, as to see the sparkling of the rays of light on the water, does not deserve the name of a man. My learned friend says she could have looked out of the cabin window. What a poetic temperament! Why did he not say that she could have looked on the water basin! My learned friend states that the accounts of Mrs. and Mr. Hunter differ in reference to these quarrels, and asks if you can believe that Mr. Hunter would deliberately perjure himself. I would ask you, can you believe that that young girl who gave evidence in that witness stand would be guilty of committing perjury? I never rose from the deliverance of testimony with a firmer conviction that I had listened to the truth than I did after hearing the evidence of Mrs. Hunter. I was satisfied that no weight of evidence could be brought to crush it. When I asked her if the child were still living, I could see the light that beamed from her face as she answered with all the fullness of a mother's love, "Oh, yes! and it's a beautiful little child." I could see that there was nothing studied about it, and that one circumstance fully convinced me of the sincerity and truth of the witness. I would ask, was there existing in her mind a reasonable fear of danger which could induce her to leave the home of her husband. [The learned gentleman here took Mrs. Hunter's evidence and read it, commenting as he read.] Did she not give him every evidence of her love and affection, even going and sitting on his knee, putting her arms around his neck and kissing him, although it did make his nose bleed. Gentlemen, I believe he's an Irishman, and I must say that he is the first Irishman of whom I ever heard, whose nose bled when a pretty girl kissed him. But, gentlemen, she shook him! she shook him violently in bed. I wonder if his manly nerves and great heart quailed when she laid her young hand upon him. Gentlemen, looking upon his course of treatment to his wife as a united whole, we find that she was subjected to treatment that was sufficient to drive her out of her senses. If we look on a mirror we see before us a perfect figure represented in every point and all the outlines clearly and distinctly drawn out. If we shatter that mirror we see the same form presented to us in all its shattered parts. So in this case, view it as a whole or in all its parts, and the same course of treatment presents itself to us whichever way we turn. Tell that young girl to go back and be happy with that man! As well put iron on the limbs of the swimmer and tell him to rise above the water—as well fetter the limbs of the racer and tell him to be swift—as well stop the ears of a man and tell him to listen to the soft cadences of music—as well put out a man's eyes and tell him to admire the beauties of nature—as well might the sun rise in the darkness of midnight—as well expect the moon to break forth at noonday and eclipse the effulgence of the orb of day, as expect that young girl to be again happy with that man. She went back to him after the first separation because she believed him when he told her that he would provide a separate home for her, and she had hardly been in the house before he refused to answer her question, if he would not be angry with her if she went to see her mother, asking her, instead of replying to her question, why she did not take off her things. This refusal and this conduct shows that he did not make a *bona fide* offer to take her back, as well as the subsequent application to her of language which should not pass the lips of any man in presence of his wife. My learned friend did not dare to ask Hunter if his wife did not sleep on the floor all one night, while he was snugly covered up in bed. Look at all the evidence on the plaintiff's side of this case. Mrs. Hunter's evidence is corroborated by every one of the witnesses; and I ask you, gentlemen, where is there one tittle of evidence in corroboration of Hunter's testimony. He denies that he struck his wife a heavy blow. It is well for him if he can wipe from his recollection the darkest spot that ever disgraced the name of man. But out of his own mouth I will condemn him. That very morning he meets a respectable man and tells him that he struck his wife, and before she used the language attributed to her. All the witnesses agree as to the nature of the blow. We have now brought Mrs. Hunter to the point when she would be justified in leaving her husband and going into the world with a certain amount of credit. [Mr. Gray then read the letters which passed between husband and wife, subsequent to the separation, and contended that there was nothing in them to show that a *bona fide* offer was made by Hunter for the return of his wife.] What is the position of the parties now? He cannot say that he is any worse off than he was before, for he has the same mother and sisters that he had previous to his marriage. He may be a saint by day and a libertine by night; but she has not one flower to brighten the pathway of her life. Gentlemen of the jury, I ask you for a verdict in favor of the plaintiff, in order that you may tell the community that Mrs. Hunter is a wronged and injured woman. I would ask you to give your verdict without leaving the jury box, believing that there cannot be a shadow of a doubt on your minds that the claim is a just and righteous one.

JUDGE RITCHIE'S CHARGE.

JUDGE RITCHIE, in charging the Jury, after stating for what the action was brought, substantially said:

This, gentlemen of the Jury, is a singular and

an unpleasant case, and, I am happy to say, one of not frequent occurrence in this Province. It has been conducted on both sides with great ability, and with a singular amount of discretion and good judgment, the Counsel on both sides seeming desirous to avoid as much as possible anything calculated unnecessarily to wound the feelings of either party. My duties now, gentlemen, are exceedingly light; yours are of a far more responsible character. A good deal has been said by the Counsel for the defendant concerning a popular opinion which, he seems to think, is pressing in upon this case, restraining him in the discharge of his duties under the conviction that in the contest in which his client is engaged he has not "a fair field and no favor." I feel satisfied that none of you, gentlemen, will knowingly or willingly, permit any such considerations to weigh with you; and if these things are so outside, I can only entreat you, believing even the best men will sometimes be almost impreceptible influenced by them, to fairly and impartially determine this cause, according to the rules of law and the evidence as heard and laid down in this Court, entirely unswayed by the expression of any opinions which you may have heard. It cannot be disguised, that, although the pecuniary amount involved is comparatively small, the result of this cause must have a material bearing upon the future condition of husband and wife. It is, no doubt, gentlemen, the duty of Counsel, to put the facts as detailed in evidence in the strongest light, and this is just one of those causes which calls forth the highest talent they possess; at the same time neither you nor I must or should be governed in our judgments by feeling or prejudice. This, with us, must be simply, a dull, dry question of contract, and as such we must endeavour to decide it. It is alleged, that the defendant in this cause, by his wife, contracted with the plaintiff for the supply of necessaries, &c., &c. If the plaintiff did so contract, then this Court is the legitimate tribunal, and you are the proper persons to see him righted. If the contrary has been shewn, or this claim is not sustainable in law, then it is our duty, no matter what may be the consequences, regardless of prejudices and feeling and all outside issues, or the effect on one side or the other, manfully and firmly, to give our judgments accordingly, setting ourselves against all popular feelings, fearlessly and honestly, under our oaths, dealing justly in the matter, leaving public feelings to be soothed as best they may, reckless of all improper considerations, discharging faithfully our duties. This being the nature of the case, what is the law? When a man marries a woman, and takes her to his bosom and his home, and they live as man and wife, she goes abroad clothed with a certain authority, the law giving her credit for all necessaries for herself; and such as she may purchase the law will imply is with her husbands sanction. When a wife lives apart from her husband, ceases to be a member of his family, no longer sits at his board and continues not to be the partner of his bed, then the ordinary relations cease, and they become *extraordinary*; and the law, discouraging, so far as it can, such extraordinary relations, and acting on the policy of trying to keep man and wife united, declares that whoever treats and deals with her *does so at his own peril*. This is not my language, but that of learned Judges who have occupied seats on the Bench for years. When, therefore, a man comes in seeking to enforce such a claim as this, the burden of proof is on him to shew that she is justified in living separate from her husband. What are the circumstances which will justify her, and clothe her with this *agency of necessity*—for that is it, *necessity* that she shall not be left to starve. If the husband turns his wife out, sends her abroad, she is of *necessity* an agent, and may apply for meat, drink, and clothing, suitable to her position; and a contract therefor entered into by her is binding on the husband, and may be recovered. Or, if the husband treats his wife with such cruelty that she cannot remain with him without reasonable apprehension of danger to life or personal violence, then she may leave his roof, and will do so clothed with authority. But, gentlemen, while I lay down the law thus to you, I must warn you that mere incompatibility of temper in itself, no matter how much to be regreted, will not justify this leaving. It is not necessary for me to speak to you of the ordinary moral duties existing between husband and wife, but I may say that I do not look upon this case as an exception to the general—the almost universal—rule, that when difficulties arise of this nature, culminating in violence or separation, there is more or less blame on both sides. Mrs. Julia Hunter may have been a favored child; she may have been a petted daughter in her father's house; she may have assumed her marriage vows without an adequate knowledge of the checks to happiness which so often exist; she may have anticipated, instead of a home of mutual and kindly dependance, one of complete independance;—or, on the other hand, when Mr. Hunter married her, he may not properly have recognized those delicate attentions which a young wife would naturally expect—(and probably gratitude for the many cares of his family bestowed upon him may have influenced him—for he was certainly a most faithful son and kind brother)—and his sentiments may not have been such as they might have been if he had roughed it more with the world. He may not have been a man calculated to make a sensitive and delicate girl happy; he may have expected to have everything entirely subservient to his own will, to reign supreme, his word a law, and to receive more than he had a right to expect, particularly without a return—all this may have been. Still, gentlemen of the Jury, everything, reasonably or humanly speaking, *seemed* in this marriage to promise the ordinary amount of happiness attendant upon wedded life—social position not unequal, relationship and ages suitable and proper—her character irreproachable—and not a breath raised against her as a virtuous woman, and the husband bearing the reputation of a fair and honorable man, singularly industrious, his conduct toward his mother and sisters having been tender and magnanimous;—surely, I say, we had a right to expect at least the usual run of

happiness. Perhaps if there had been manifested a proper degree of *forbearance* on both sides, matters might have proved different from what they have. We, looking upon the whole scene, can easily discover when and where judicious friends and advice might have wisely interposed. The wife, also, should have borne in mind, that when she went to her new home, where other females had had the control who were to surrender it to a third person and become less independant than they had been, unless she used great forbearance, judgment and kindness, it must lead to difficulties; that they might seem trivial at first, but unless met, discussed and determined they would, like the snowball, gather strength and size till assuming the proportions of the avalanche, they would sweep everything before them! She should have remembered that it was a hard thing to ask him to send them abroad, when by a little kindness it would be unnecessary thus to render their lives miserable; and he, too, should have well reflected that in the step he was taking he was indeed placing his wife in a position of great difficulty and he ought to have been more careful than he was; and when the difficulties did arise, he was bound to forget they were sisters, and to have seen that his wife was placed there as *female head of the house*, and those sisters should have seen that her *entree* was made agreeable and have graced themselves as *visitors*—the favored, honored and welcome *visitors*, in their brother's home. If she was received, however, as an usurper,—not controlling but controlled—her authority questioned or set at defiance, perhaps not at first harshly or openly, then difficulties must inevitably have been as they were the result. Then it was, gentlemen, that the *husband* should have risen superior to the *brother* and the *son*, superior as master in his house, and determined that she whom he had taken to his bosom should be supported in honor and respect, and taught that they could only live in his house while they respected him by respecting his wife! And she should have thenceforth behaved to them as guests—treated them with civility and love, and with a dignity becoming her position. Had these been done, all these difficulties had been nipped in the bud. Things go on, however, in the manner detailed to you, but it is my duty to tell you, gentlemen, that though instead of a *happy home* she had lived in a *bear garden*, she had no right to leave unless there was personal violence or sufficient to cause the reasonable dread of it. It is to be regretted that judicious persons did not interpose. Immediate relatives too often take too strong grounds, and exaggerated views; but others might have devised a happy medium of reconcilliation. We come now down to the time of the *first* separation, and if the case had rested there, she could not have been justified in separating from her husband. Be that as it may, all that up to this time had occurred, had been as the law terms it, "condoned" by her return; and they started anew In reference to the *second* separation, we have conflicting statements, and it is hardly possible it could be otherwise. Both parties gave their evidence, however, without exasperation or irritation, and in a highly creditable manner, but it is not to be wondered at each party should, imperceptibly to themselves, deeply or lightly color particular circumstances. It is indeed strange, that after her return home there should have been so much feeling shown. Take the wife's own account. Instead of trying to make matters smooth, to bring about peace by kindness and by love, and to avoid the path which hitherto had been so rugged, the moment she gets back she commences begging again for her separate home, extorting promises: and then these were met, not as they should have been met by him, but with positive rudeness. He knew that difficulties had and would arise in such a controversy, and it had been better for him to indulge in that little kindly dalliance which married men so often beguile with, to have answered with some kind joke or endearing expression, close the controvorsy pleasantly, and created a spirit of confidence and frankness. Not so, gentlemen. Troubles accumulate, until at last the wife forsakes her husband's roof for the second time. And this brings us to the most important considerations in this cause. It will be for you to say whether the wife was *driven out* by her husband from his house or did he commit such acts of violence as constrained her to leave. If you think that the man was of the opinion that he had lost the love and respect of his wife and became determined to get rid of her, and therefore threatened to beat her, and struck her a blow such as she has described as a sample of the treatment he intended, and ordered her to "be off", then she was justified in leaving; or again, even if he did not intend her to leave, and yet struck her a blow such as to induce in her mind a reasonable fear and dread, she was justified in leaving. If, on the other hand, she went back to avail herself of what had passed, and came down on him when he was reading the newspaper in peace and quietness on that morning, and used language to annoy and tantalize, then if she laid such a pit, and endeavored to induce her husband to turn her out or to become exasperated, the results were brought on herself and she only is responsible for them. [Here the learned Judge reads and comments on her version of the final separation.] I repeat, if he wished her to go, threatened to whip her, still she would not leave, and he struck her a blow, evidencing his intentions towards her, saying "take that now", I cannot see a more effectual way of turning his wife out, and, under such circumstances, she went out clothed with the authority of an agent of necessity, with full power to make contracts for her support, and these contracts her husband is bound to carry out. [Here the learned Judge reads and comments on his version of the final separation.] Now, this is very different from her statement! We all know that none can be more irritating than a female if she wishes. If, on that morning, she provoked and tantalized him, and Hunter endeavored to avoid any controversy, to go out and leave her, and she, finding she had not succeeded in her designs by sufficiently annoying him, struck the spur deeper, made the goad longer, sharper and stronger, called him a devil,

&c., &c., then, gentlemen, reprehensible as it may be, and even though it may have been more severe than the defendant now thinks it was—bad as it was to strike any woman, far more so his own wife—nevertheless she brought the blow upon herself for her own purposes and designs, and I tell you the law will not justify any such operation at all, and she had no right to depart.

Then we have these questions before us :—

Did the Plaintiff make the contract alleged?

Was his wife driven away by him; or, did she leave him on grounds of personal violence used towards her, or was she in reasonable dread of him? If so, she left rightly;

And has there been a fair, reasonable and *bona fide* offer to take her back, and had she any right to expect that if she returned the indignities and cruelties would be repeated? If the offer was not *bona fide*, or if it was, but she had reasonable cause to fear, she was not bound to return.

If, gentlemen, she might and could return, without any reasonable dread, even though it be to "a prison", she should return and make the best of it; and there is another living being—that poor, innocent, helpless babe—whose lot may be by these unhappy occurrences determined or influenced for weal or woe, and must ere long enter upon a lifetime of respect and happiness, or misery and sorrow; that little one is fairly entitled to the love and protection of both father and mother; one of the reasons why our Law will not lightly put asunder what God has joined together.

Gentlemen, I leave this case with you, believing you will, without fear, favor or affection,—without any improper sympathy, feeling, or prejudice,—caring not the snap of a finger for outside pressure,—honestly, manfully,—without personal bias,—conscientiously come to a just conclusion in your determination of this most unhappy matter.

The Jury then retired and after an absence of half an hour returned a verdict for the plaintiff for $127,10, the full amount of the claim.

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